REMARKS

A substitute specification is being submitted herewith together with a copy of the original marked-up specification showing the editorial changes made thereto. No new matter has been added.

Claims 1-5 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Umezawa et al. (2003/0060307) in view of Kasashima, U.S. Patent 6,241,627. This rejection is respectfully traversed.

The present invention is directed to a golf ball having a cover containing a thermoplastic polyurethane elastomer. The cover is excellent in scuff resistance and control properties but experiences some difficulty in flight performance. According to the present invention, the specific dimple pattern compensates for the problems that the cover normally experiences in flight performance, and accordingly, the golf ball of the present invention possesses all of the features of excellent scuff resistance, control properties and good flight performance.

The Umezawa et al. patent apparently is relied upon by the Examiner to merely show a golf ball having a core and a cover which is made of a thermoplastic polyurethane elastomer. As noted by the Examiner, the Umezawa et al. patent does not disclose or even remotely suggest the various aspects of the present invention including, for example, the number of dimples, shape of the dimples, size of the dimples, and the like.

The Kasashima et al. patent is relied upon by the Examiner to allegedly fill all of the many deficiencies of the Umezawa et al. patent. However, it should be noted that the Kasashima et al. patent is specifically interested in the average depth of dimples and in the specific arrangement of the dimples as can be seen by reviewing the summary of the invention in Col. 1 and also Col. 4 of the Kasashima et al. patent. The present invention is not directed to the depth of the dimples nor to the various specific arrangements of the dimples but rather to dimple diameters and golf ball diameters and the specific ratios R1 and R2 as found in both the specification and the claims of the present invention.

Kasashima '067 fails to disclose or suggest any particular golf ball diameter. Thus, Kasashima fails to disclose or suggest the ratio "R1" in connection with the present invention wherein the maximum dimple diameter ratio with respect to the golf ball diameter is 13.0% or greater as recited in claim 1. Further, even assuming a standard golf ball diameter of 42.7 mm hypothetically (even though this feature is not disclosed by Kasashima), the dimple diameter feature of the present invention of a minimum of 13.0% cannot possibly fall within the scope of the golf ball of Kasashima '627. That is, assuming a standard golf ball diameter of 42.7 mm, the largest relative dimple diameter range reached by using the largest disclosed dimple diameter of 5.0 mm in Kasashima '627 is 11.7% relative to the golf ball diameter. This falls short of the 13.0% lower end point of the range of the present invention. Consequently, Kasashima '627 fails to support any conclusion regarding prima facie obviousness because the elements recited in the present

claims fail to fall within the possibility of the features described by Kasashima '627; and this even hypothetically allows for the use of a standard golf ball size of 42.7 mm which Kasashima '627 fails to disclose as well. Consequently, very significant patentable distinctions exist between the present claims and Kasashima '627 whether or not it is hypothetically assumed that a standard golf ball diameter of 42.7 mm is used.

Since the Umezawa et al. patent is not even remotely concerned with dimple depth and dimple arrangement and since the Kasashima et al. patent has no concern regarding the chemical composition of the golf ball disclosed therein, one skilled in the art would not be led to combine the references as suggested by the Examiner without reconstructing the teachings of the references in view of the Applicant's own disclosure. Thus to combine the references as suggested by the Examiner there has to be some commonality or relationship between the golf balls disclosed in said references which would lead one skilled in the art to consider combining the references as suggested by the Examiner. Since there appears to be no suggestion in either of the references as to why one skilled in the art would be led to combine the references as suggested by the Examiner, it is believed that the Examiner is merely filling the deficiencies of the respective references with no basis for combining the references to reject the claims of the present application.

Accordingly, in view of the above amendments and remarks reconsideration of the rejection and allowance of the claims of the present application are respectively requested.

Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Joseph A. Kolasch (Reg. No. 22,463), in the Washington Metropolitan Area at the phone number listed below.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of $120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
Joseph A. Kolasch (#22,463)

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JAK/njp
3673-0158P